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Via ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Stephen Calk, 19 Cr. 366 (LGS)

Dear Judge Schofield:

We write on behalf of the defendant, Stephen M. Calk, to request the Court's permission to publicly file an unredacted version of the Declaration of Paul Schoeman and accompanying exhibits, which were submitted to the Court in connection with the defense's motion, docketed on May 24, 2021 (Dkt. 190), to preclude the testimony of Randall Rigby. The government has advised that it does not object to this application.

The Schoeman Declaration and exhibits were not previously publicly filed because the material in the exhibits related to grand jury proceedings and was designated by the government as Highly Confidential under the protective order entered in this case. Pursuant to the Court's rules, the defense initially provided the declaration and exhibits to the Court by e-mail, but they were not filed on ECF. (*See* Dkt. 189). The government subsequently submitted a sealing application (Dkt. 204), to which the defense consented, seeking permission to file a heavily redacted version of the materials. The government's sealing application was based on considerations relating to the integrity of law enforcement and judicial proceedings and the privacy of the witness. The Court granted the application (Dkt. 206) and the government publicly filed a redacted version of the exhibits. (Dkt. 208 & 208.1). Given that the witness has now testified, the trial has been completed and Mr. Calk has been sentenced, the considerations that weighed against publicly filing these materials in unredacted form are no longer

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present. The defense intends to reference these materials on appeal and to include them in its appendix.

Since it appears that the unredacted materials were never actually filed under seal, and thus cannot be “unsealed,” the defense seeks permission to file the unredacted Schoeman Declaration and exhibits at this time.

Respectfully submitted,

/s/ Paul H. Schoeman

Paul H. Schoeman

cc: All Counsel (by ECF)